IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 20542 of 2007(U)

PETITIONER:

RAPPAI.K.P., S/O.POULOSE KAVUNGAL,
PARIYARAM VILLAGE, KUTTIKKAD P.O., THRISSUR DIST.
(INTERNAL AUDITOR, THE KUTTIKKAD FARMERS SERVICE
CO-OPERATIVE BANK LTD., NO.572, P.O.KUTTIKKAD,
VIA CHALAKUDY, THRISSUR- 680 721.)

BY ADV. SRI.N.K.SUBRAMANIAN
SRI.S.ANANTHAKRISHNAN

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) CIVIL LINES, AYYANTHOLE,
THRISSUR DT.

2. THE KUTTIKKAD FARMERS SERVICE
CO-OPERATIVE BANK LTD., NO.572, P.O.KUTTIKKAD,
VIA CHALAKKUDY, THRISSUR- 680 721,
REPRESENTED BY ITS MANAGING DIRECTOR.

3. THE BOARD OF DIRECTORS,
THE KUTTIKKAD FARMERS SERVICE CO-OPERATIVE BANK
LTD., NO.572, P.O.KUTTIKKAD, VIA CHALAKUDY,
THRISSUR- 680 721, REPRESENTED BY ITS PRESIDENT.

4. LONAPPAN.P.A.,
ACCOUNTANT, THE KUTTIKKAD FARMERS SERVICE
CO-OPERATIVE BANK LTD., NO.572, P.O.KUTTIKKAD,
VIA CHALAKUDY, THRISSUR- 680 721.

5. SECRETARY TO GOVERNMENT,
CO-OPERATION (C) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.C.E.UNNIKRISHNAN FOR R4
SRI.P.P.JACOB FOR R2, R3
GOVT. PLEADER SMT.ANU SIVARAMAN FOR R1, R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/09/2007 ALONG WITH WPC NO. 24141 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.C.NO.20542/07

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF ORDER NO.CRP 4599/97 DTD. 6-9-97 BY R1

EXT.P2 TRUE COPY OF STAFF PATTERN AS PER ORDER NO.CRP 807/99 DTD. 8-3-00 BY R1.

EXT.P3 TRUE COPY OF SENIORITY LIST OF R2 DTD. 6-7-97 VIDE BOARD RN. DTD. 11

EXT.P4 TRUE COPY OF ORDER NO.CRP 4488/03/KDIS. DTD. 1-10-03 BY R1

EXT.P5 TRUE COPY OF APPEAL DTD. 3-11-03 BY R4 BEFORE R5

EXT.P6 TRUE COPY OF GO(RT) NO.647/2004/Co-OP. DTD. 26-11-04 BY R5

EXT.P7 TRUE COPY OF RESOLUTION NO. 26 DTD. 22-11-04 BY R3

EXT.P8 TRUE COPY OF NOTICE NO. CRP 6928/04 DTD. 20-01-05 BY R1

EXT.P9 TRUE COPY OF APPLICATION DTD. 22-2-05 U/R 24 BY PETITIONER BEFORE R1

EXT.P10 TRUE COPY OF STATEMENT DTD. 21-06-05 FILED BY PETITIONER BEFORE R1

EXT.P11 TRUE COPY OF ORDER NO.CRP 6928/04 DTD, 23-11-05 BY R1

EXT.P12 TRUE COPY OF REQUEST DTD. 24-11-05 BY PETITIONER BEFORE R3

EXT.P13 TRUE COPY OF APPEAL AND STAY PETITION DTD. 27-11-05 BEFORE R5

EXT.P14 TRUE COPY OF ORDER G.O.(RT)NO.368/2007/Co-Op. DTD. 28-05-07.

EXT.P15 TRUE COPY OF ADDITIONAL STATEMENT DTD. 22-4-07

4TH RESPONDENT'S EXHIBITS

EXT.R4(A) TRUE COPY OF THE PROCEEDINGS OF THE SECOND RESPONDENT DTD. 4-1-98

WPC.No.20542/07

EXT.R4(B) TRUE COPY OF THE STATEMENT SUBMITTED BY THE SECOND RESPONDENT TO THE FIRST RESPONDENT DTD. 28-4-05

EXT.R4(C) TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FOURTH RESPONDENT TO THE SECOND RESPONDENT DTD. 10-03-99.

EXT.R4(D) TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FOURTH RESPONDENT TO THE SECOND RESPONDENT DTD. 04-12-04.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(c).NOs. 20542 & 24141 OF 2007

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Dated this the 20th day of September , 2007

JUDGMENT

Since these writ petitions are connected, they are disposed of through this common judgment.

Exts.P11 and P14 in W.P.(C)No.20542/07 is same as Exts.P3 and P4 in W.P.(C)No.24141/07. The question arose as to whether the party respondent in these writ petitions is senior to the petitioners. By Exts.P11 or Ext.P3 as aforesaid the Joint Registrar directed the recasting of the seniority list. In appeal it is confirmed by the Government by Ext.P14 or Ext.P4. It is not in dispute that in view of Section 69(2)(d) , the Joint Registrar and therefore the Government would not have jurisdiction to deal with the matter and hence the matter has to be decided under Section 69.

In such circumstances, the impugned orders in both the writ petitions cannot be sustained. Accordingly, I quash Exts.P11 and P14 in W.P.(c)No.20542/07 and also Exts.P3 and P4 in W.P.(c) No.24141/07. However, if respondent No.4 in both the writ

petitions prefers a petition before the authority under Section 69, the same will be considered and a decision taken in accordance with law in view of the facts of this case, within a period of three months from the date of institution with full opportunity to the parties.

(K.M.JOSEPH, JUDGE)

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